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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,639	12/02/2003	Edgar Schubert	016915-0272	2004
22428	7590	10/04/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,639

Applicant(s)

SCHUBERT ET AL.

Examiner

D. S. Nakarani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/03 & 04/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3, the phrase "highly crystalline polypropylene" renders claim indefinite. What minimum amount of crystallinity polypropylene must have to consider it highly crystalline polypropylene?

Lines 9-10, the phrase "random copolymer of polypropylene with a 1-allylene" should read "random copolymer of propylene and a 1-alkylene" since random copolymers are made by polymerizing propylene monomer and 1-alkylene monomer(s) and not by polymerizing polypropylene and 1-alkylene monomer(s).

Claims 3 and 4, line 1, either the phrase "more than 80%" should read "80% to 98%" or line 8, the phrase "2-20%" should read "less than 20%".

Claim 5, lines 2-3, the phrase "ultralow-density polyethylene having a density of from 0.90 to 0.940" cannot be understood because claim 1 specifies ultralow density polyethylene having density equal or less than 0.875 and claims 3 and 4 specify low density polyethylene having a density of 0.90-0.940. Therefore claim is indefinite and confusing because it is not clear whether recited density range is for the low density polyethylene or for the ultralow density polyethylene.

Claims 6 and 7, lines 2-3, the phrase "ultralow-density polyethylene having a density of from 0.925 to 0.940" cannot be understood because claim 1 specifies ultralow density

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polyethylene having density equal or less than 0.875 and claims 3 and 4 specify low density polyethylene having a density of 0.90-0.940. Therefore claim is indefinite and confusing because it is not clear whether recited density rang is for the low density polyethylene or for the ultralow density polyethylene.

Claim 12, lines 5-6, the phrase "random copolymer of polypropylene with a 1-allylene" should read –random copolymer of propylene and a 1-alkylene" since random copolymers are made by polymerizing propylene monomer and 1-alkylene monomer(s) and not by polymerizing polypropylene and 1-alkylene monomer(s).

Claim 13, lines 2-3, the recited percentages of 1-alkylene monomers and propylene monomers cannot be understood because it is not clear whether recited percentages are based on weight, volume or mole. Clarification and/or correction requested. Line 3, the phrase "propylene monomers" should read –propylene monomer--.

3. Claims 1-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims are deemed allowable because art of record does not teach or suggest claimed adhesion promoting composition. Closest prior art Somers (U. S. Patent 6,204,335) teach about 80 to about 99 wt% linear ultralow density polyethylene and about 1 to about 20 wt% copolymer of propylene and olefin co monomer having 2 to 10 carbon atoms (Abstract).

4. Receipt of Information Disclosure Statements filed December 02, 2003 and April 02, 2004 is acknowledged. All recited documents have been made of record. All recited non-English references have been considered to the extent of provided English abstract.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. S. Nakarani
Primary Examiner
Art Unit 1773

Dsn
October 1, 2005.